

REMARKS

Claims 1-4 and 7-19 are in the case. Claims 1-4, 7-11, and 14-18 are allowed for which indication applicants thank the examiner. Claims 12-13 and 19 are rejected under 35 USC § 103 over USPN 4,237,601 to Woolhouse et al. in view of USPN 6,642,477 to Patel et al. Claims 12-13 and 19 are hereby amended. No new matter is introduced by the amendments, which are supported by the original drawings and specification, such as on page 5 lines 13 and 27. Reconsideration and allowance of the claims are respectfully requested.

CLAIM REJECTIONS UNDER §103

The examiner rejects claims 12-13 and 19 over Woolhouse et al. in view of Patel et al. However, the Decision on Appeal states “in short, suggesting that the layers 18 and 19 could somehow be formed after forming the groove in Woolhouse not only *is not fairly suggested* by the prior art of record, it *actually runs counter* to Woolhouse's method,” pp. 7-8, emphasis added. Thus, the combination of Woolhouse et al. and Patel et al. *has already been found by the Board to be an improper combination of references*.

By contrast, the Board stated that the reason why they affirmed the examiner's rejection of claim 12-13 and 19 was that they “find *no structural distinction* between the groove (i.e., “feature”) 22 of Woolhouse formed by etching as compared to a groove formed by the laser ablation process of claim 1” (p. 9). The Board further stated that:

“Appellants' *mere assertion* that the claimed features have a “far different physical appearance” from the prior art groove *is hardly sufficient* factual evidence required to overcome the examiner's *prima facie* case of obviousness. Because the examiner's *prima facie case of obviousness has not been rebutted*, we will sustain the examiner's rejection of claims 12 and 13. Likewise, we will sustain the examiner's rejection of claim 19 for essentially the same reasons.

pp. 9-10, emphasis added.

Therefore, the Board upheld the rejection based on their finding that the *applicants did not rebut* the examiner's *prima facie* case that there was no structural distinction between applicants' feature and Woolhouse's groove.

Applicants now take this opportunity to rebut the *prima facie* case of obviousness, by describing the structural distinctions between the features of the present claims and the grooves of Woolhouse et al.

Claims 12-13 and 19 describe features, and indicia formed of features, that have an upper sidewall portion with an upper sidewall angle, and a lower sidewall portion with a lower sidewall angle, where the upper sidewall angle is shallower than the lower sidewall angle, and which are formed of blind bores that are *substantially circular* in cross section.

The grooves of Woolhouse et al. are significantly structurally different from the features as presently claimed. Primarily, Woolhouse et al. describe long trenches, as depicted in Figs. 1a and 1b. While these trenches have a vertical cross sectional shape (as depicted in Fig. 2b) that is similar to the dagger-shape of the features as claimed, they do not have the *substantially circular* horizontal cross sectional shape like the features as claimed.


Thus, claims 12-13 and 19 patentably define over Woolhouse et al. (whether in combination with Patel et al. or not). Reconsideration and allowance of claims 12-13 and 19 are respectfully requested.

CONCLUSION

Applicants assert that the claims of the present application patentably define over the prior art made of record and not relied upon for the same reasons as given above. Applicants respectfully submit that a full and complete response to the office action is provided herein, and that the application is now fully in condition for allowance. Action in accordance therewith is respectfully requested. In the event this response is not timely filed, applicants hereby petition for the appropriate extension of time. If any fees are required by this amendment, such fees may be charged to deposit account 12-2252.

Sincerely,

LUEDEKA, NEELY & GRAHAM, P.C.

By: 

Rick Barnes, 39,596

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P.O. Box 1871

Knoxville TN 37901

T:1.865.546.4305

F:1.865.934.0444

RBarnes@LNG-Patent.com